

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

VIVIAN AND LEONARD JUDELSON, as  
Trustees of the VIVIAN JUDELSON  
REVOCABLE TRUST DATED 10/9/95, and  
VIVIAN S. JUDELSON CONTRIBUTORY  
IRA, Individually and On Behalf of All  
Others Similarly Situated,

Plaintiffs,

vs.

TARRAGON CORPORATION, WILLIAM  
S. FRIEDMAN, ROBERT P.  
ROTHENBERG and ERIN D. PICKENS,

Defendants.

HENRY NELSON, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiffs,

vs.

TARRAGON CORPORATION, WILLIAM  
S. FRIEDMAN, ROBERT P.  
ROTHENBERG and ERIN D. PICKENS,

Defendants.

Electronically Filed

Civil Action No. 1:07-cv-07972  
(ECF Case)

Civil Action No. 1:07-cv-08438-UA  
(ECF Case)

[Captions continued on next page]

**MOTION OF THE TARRAGON INVESTOR GROUP TO CONSOLIDATE ACTIONS,  
TO BE APPOINTED LEAD PLAINTIFF AND FOR APPROVAL OF LEAD  
PLAINTIFF'S SELECTION OF LEAD COUNSEL AND LIAISON COUNSEL**

PAUL BERGER, Individually and On Behalf  
of All Others Similarly Situated,

Plaintiffs,

vs.

TARRAGON CORPORATION, WILLIAM  
S. FRIEDMAN, ROBERT P.  
ROTHENBERG and ERIN D. PICKENS,

Defendants.

Civil Action No. 1:07-cv-08689-PKC  
(ECF Case)

PLEASE TAKE NOTICE that class members Kurt A. Prescott, Leslie R. Bowers, and Dale R. Jesse, individually and as Trustee for the Seaside Resources Retirement Trust (collectively, the “Tarragon Investor Group”), by their counsel, will hereby move this Court, on a date and at such time as may be designated by the Court, for an Order: (i) consolidating for all purposes the above-captioned related actions pursuant to Fed. R. Civ. P. 42; (ii) appointing the Tarragon Investor Group as Lead Plaintiff; (iii) approving the Tarragon Investor Group’s selection of the law firm of Schiffren Barroway Topaz & Kessler, LLP to serve as Lead Counsel; (iv) approving the Tarragon Investor Group’s selection of the law firm of Brodsky & Smith, LLC to serve as Liaison Counsel; and (v) granting such other and further relief as the Court may deem just and proper. In support of this motion, the Tarragon Investor Group submits herewith a Memorandum of Law and Declaration of Evan J. Smith.

Dated: November 13, 2007

Respectfully submitted,

**BRODSKY & SMITH, LLC**

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 Evan J. Smith (ES3254)  
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**Proposed Liaison Counsel**

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**Proposed Lead Counsel**